

Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly's Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.

Proposed Rulemakings

■ CRIMINAL RECORDS

The DEPARTMENT OF STATE POLICE proposed amendments to Individual's Right to Access and Review Criminal History Record Information (20 IAC 1210; 38 Ill Reg 20644) allowing licensed fingerprint vendors and vendor agencies (currently, only law enforcement and correctional facilities) to provide an individual with his or her criminal history transcript and to charge a fee for this service. The vendor or facility must forward fingerprints and identifying information to DSP within 24 hours (currently, 30 days). The Department shall send the transcript within 7 days after receiving an electronic request or 45 days after receiving a fingerprint card (currently, within 60 days after any request). The criminal history transcript, or document stating that no criminal history was found, must be sent

to the individual's address or, if the individual requests, to the law enforcement or correctional facility from which the request was made. The facility shall notify the individual within 2 days after receiving the transcript or document and shall destroy it if the individual does not retrieve it within 45 days. The rulemaking also gives DSP 180 days to complete any technological changes necessary to implement the new process. Those affected by this rulemaking include law enforcement agencies, correctional facilities, licensed fingerprint vendors and vendor agencies.

Questions/requests for copies/comments through 12/15/14: Suzanne L.Y. Bond, DSP, 801 S. Seventh St., Suite 1000-S, Springfield IL 62703, 217/782-7658.

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New Rules

■ HIV & STI REPORTING

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Control of Sexually Transmissible Infections Code (77 IAC 693; 38 Ill Reg 7785) and HIV/AIDS Confidentiality and Testing Code (77 IAC 697; 38 Ill Reg 7808), both effective 10/15/14. Both rulemakings implement Public Act 98-353, effective 8/16/13, which removed a requirement to notify school principals of students who have tested positive for HIV. The Part 693 amendments also update HIV testing and reporting requirements for blood banks and laboratories and provide for expedited partner therapy allowing sexual partners of persons diagnosed with a sexually transmissible infection (STI) to receive antibiotics without a physical exam. Persons

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NEW RULES: Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.

PROPOSED RULES: Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.

PEREMPTORY RULES: Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.

■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.

QUESTIONS/COMMENTS: Submit mail, email or phone calls to the agency personnel listed below each summary.

RULE TEXT: Available on the Secretary of State (www.cyberdriveillinois.com) and General Assembly (www.ilga.gov) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

Proposed Rulemakings

■ IMMUNIZATION RECORDS

The DEPARTMENT OF PUBLIC HEALTH proposed a new Part titled Immunization Registry Code (77 IAC 689; 38 Ill Reg 20602) implementing the Immunization Data Registry Act. The rule specifies information to be contained in the registry, purposes for which information may be used, procedures for obtaining information from the registry, and provisions for patient confidentiality. An individual, or the parent or guardian of a minor, may access his or her own records and may also sign an opt-out form restricting access to his or her data to a specific provider. Entities that may enroll as users include local health departments, DPH employees, K-12 schools, colleges and universities, child care centers, other states' immunization data registries, and the Department of Healthcare and Family Services or its managed care providers. Any non-health related use of registry data is prohibited. Registry data may be released by DPH without the prior consent of patients in the event of a public health emergency. Those affected by this rulemaking include health care providers, schools, day care centers and local health departments.

Questions/requests for copies/comments through 12/15/14: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL 62761, 217/782-2043, dph.rules@illinois.gov

SCHOOLS

The STATE BOARD OF EDUCATION proposed amendments to Programs for the Preparation of Principals in Illinois (23 IAC 30; 38 Ill Reg 20632) implementing Public Act 98-917, which allows school support personnel (in addition to holders of educator licenses with teaching endorsements) to be admitted to principal preparation programs.

Questions/requests for copies/comments through 12/15/14: Shelley Helton, SBE, 100 N. First St. S-493, Springfield IL 62777, 217/782-5270, rules@isbe.net

■ HAZARDOUS WASTE

The POLLUTION CONTROL BOARD proposed amendments to 6 Parts: Hazardous Waste Management System: General (35 IAC 720; 38 Ill Reg 20376), Identification and Listing of Hazardous Waste (35 IAC 721; 38 Ill Reg 20441), Standards Applicable to Generators of Hazardous Waste (35 IAC 722; 38 Ill Reg 20534), Standards Applicable to Transporters of Hazardous Waste (35 IAC 723; 38 Ill Reg 20545), Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 IAC 724; 38 Ill Reg 20558) and Interim Status Standards for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities (35 IAC 725; 38 Ill Reg 20580).

These rulemakings reflect updates to federal regulations that provide for the use of e-Manifests for hazardous waste shipments and require exporters of cathode ray tubes (CRTs) to submit activity notifications and annual reports to USEPA and IEPA. Those affected by this rulemaking include businesses that collect or dispose of CRTs or transport hazardous wastes.

Comments on the 6 PCB rulemakings through 12/15/14: John Thierriault, PCB, 100 W. Randolph St., Suite 11-500, Chicago IL 60601. Questions: Michael J. McCambridge, at the same address, 312/814-6924, michael.mccambridge@illinois.gov. Please reference docket R15-1.

■ HEALTH FACILITIES

The HEALTH FACILITIES AND SERVICES REVIEW BOARD proposed amendments to Health Facilities and Services Review Operational Rules (77 IAC 1130; 38 Ill Reg 20303) to bring the part into compliance with the Health Facilities Planning Act and to clarify various provisions. Three Sections are also repealed to eliminate duplicative processes. Health facilities subject to HFSRB review may be affected by this rulemaking.

Questions/requests for copies/comments through 12/15/14: Claire Burman, HFSRB, 69 W. Washington St., Suite 3500, Chicago IL 60602, 312/814-8814, claire.burman@illinois.gov

New Rules

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diagnosed with chlamydia or gonorrhea are also eligible for counseling and educational materials regarding partner notification and dispensing of antibiotics. The Part 697 amendments also require any lab, blood bank or hospital to complete a supplemental (formerly, confirmatory) test before releasing HIV results to a health care professional or other person authorized to receive these results. Those affected by these rulemakings include hospitals, blood banks, laboratories and clinics.

Questions/requests for copies of the 2 DPH rulemakings: Susan Meister, DPH, 535 W. Jefferson St., 5th Fl., Springfield IL, 62761, 217/782-2043, e-mail: dph.rules@illinois.gov.

■ ANIMAL DISEASE

The DEPARTMENT OF AGRICULTURE adopted amendments to the Parts titled Illinois Bovidae and Cervidae

Tuberculosis Eradication Act (8 IAC 80; 38 Ill Reg 8013), Diseased Animals (8 IAC 85; 38 Ill Reg 8020), and Animal Disease Laboratories Act (8 IAC 110; 38 Ill Reg 8035), all effective 10/16/14. The Part 80 amendments permit use of a USDA-approved blood test to detect the presence of tuberculosis in cervids (e.g., deer, elk, antelope) in place of a comparative or single cervical test in specified cases. Time periods between initial and follow-up testing of cervids suspected of being infected are also specified. Amendments to Part 85 incorporate federal regulations concerning movement of cervids from areas where Chronic Wasting Disease (CWD) is present. If an animal dies or is euthanized due to an unknown cause within 60 months (formerly 36 months) after any movement of animals between its herd and another, the animal will be classified as CWD-suspect, and the other herd will be treated as CWD-exposed. Disease management plans

must be developed for any affected herd. For a herd to maintain Certified Monitored CWD status, a herd management agreement must be submitted to DOA for approval, all animals must be individually identified in accordance with federal regulations (ear tag, flank or ear tattoo, electronic implant), and the herd must be adequately fenced. A facility inspection (in addition to the currently required annual herd inventory) must be performed annually to maintain certified status. Requirements for reporting, identifying, and removing infected or suspect animals from monitored herds are also included. Since 1st Notice, DOA has added definitions of “CWD Certified Monitored Herd Management Agreement” and “CWD Herd Plan”. The amendments to Part 110 remove references to the Centralia Animal Disease Laboratory and the Springfield Serology Laboratory (both closed) and remove references to tests that are not available at the Galesburg Animal Disease Laboratory (the only DOA disease lab currently operating). The tests and fee schedule for the Galesburg laboratory are also updated. Those affected by these rulemakings include livestock owners, managers of deer and other cervid herds, and veterinarians.

Questions/requests for copies of the 3 DOA rulemakings: Susan Baatz, at the DOA address and phone numbers at left.

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Peremptory Rule

■ POULTRY INSPECTION

The DEPARTMENT OF AGRICULTURE adopted peremptory amendments to Meat and Poultry Inspection Act (8 IAC 125; 38 Ill Reg 20825), effective 10/20/14, implementing recently adopted USDA regulations. The federal rules being implemented (published in the *Federal Register* at 79 FR 49566, effective

10/20/14) establish a new inspection system for young chicken and turkey slaughter establishments. Poultry processors will be affected by this peremptory rule.

Questions/requests for copies: Susan Baatz, DOA, State Fairgrounds, P.O. Box 19821, Springfield IL 62794-9281, 217/524-6905, fax 217/785-4505.

New Rules

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■ ENVIRONMENTAL HEALTH

The DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION adopted amendments to Environmental Health Practitioner Licensing Act (68 IAC 1247, 38 Ill Reg 16053), effective 10/31/14, increasing the fee for restoring licenses from \$20 to \$50 and lowering the cap on lapsed renewal fees from \$600 to \$500 and removing the minimum passing score for the licensing exam, setting it to the testing entity's established passing score. DFPR will issue licenses by endorsement to applicants in good standing with the National Environmental Health Association. The rulemaking allows evidence of practice under the supervision of an Illinois licensee working in the State or proof of current certification, including continuing education, from the NEHA for restoration. It also provides the Department will keep all information collected confidential. The Department will only provide information to law enforcement, regulatory agencies having appropriate regulatory authority or in response to a lawful subpoena. A change since 1st Notice permits restoration of a license by paying the restoration fee only, without proof of continuing education, within 2 years after a general discharge from military service; as originally proposed, the exemption applied only to honorably discharged veterans.

■ PAWN BROKERS

DFPR also adopted amendments to Licensing and Regulation of Pawn Brokers (38 IAC 360; 38 Ill Reg 10502), effective 10/31/14, raising the cost of license fees under the Pawnbrokers Regulation Act from \$765 to \$1,000 per year and creating a two-year license term to replace the current annual fee structure. Provisions are made for a pro-rated payment of \$84 per month for applicants obtaining a license during the year. Applicants may also pay the \$2,000 license fee in two annual installments of \$1,000 each. Changes since 1st Notice provide that licenses issued on or before 6/30/14 will expire on 6/30/15 and that all licenses subsequently issued will expire on June 30 of odd-numbered years. Pawn shops will be affected by this rulemaking.

Questions/requests for copies of the 2 DFPR rulemakings: Craig Cellini, DFPR, 320 W. Washington, 3rd Fl., Springfield IL 62786, 217/785-0813 Fax: 217/557-4451.

WORKPLACE RULES

The DEPARTMENT OF LABOR adopted amendments to Health and Safety (56 IAC 350; 38 Ill Reg 13728), effective 10/20/14, moving its rules governing exceptions or variances from recordkeeping requirements into a separate Section. Since 1st Notice, DOL has added provisions setting forth policies for inspecting an employer's

establishment and authorizing an inspector to compel attendance and testimony of witnesses at a hearing if needed in order to make a proper inspection. Public employers subject to these requirements may be affected.

Questions/requests for copies: Cheryl Neff, DOL, 900 S. Spring St, Springfield, IL 62704, 217/782-9386.

STATE EMPLOYEES

The DEPARTMENT OF CENTRAL MANAGEMENT SERVICES adopted amendments to Pay Plan (80 IAC 310; 38 Ill Reg 13489), effective 10/13/14, adding three new titles (Firearms Eligibility Analyst I and II and Firearms Eligibility Analyst Trainee) with corresponding title codes and salary ranges to the Pay Plan. The rulemaking also assigns each of these titles to an AFSCME bargaining unit and pay grade. Also, obsolete pay rates no longer in effect are being removed from pay tables for two unrelated bargaining units.

Questions/requests for copies: Jason Doggett, CMS, 504 Stratton Bldg., Springfield IL 62706, 217/782-7964, fax 217/524-4570, e-mail: CMS.PayPlan@illinois.gov

Second Notices

The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will be considered at JCAR's November 6, 2014 meeting at 11:30 a.m. at the Michael Bilandic Building, 160 N. La Salle St., Chicago.

DEPT OF NATURAL RESOURCES

Youth Hunting Seasons (17 IAC 685) proposed 8/15/14 (38 Ill Reg 17253)

The Taking of Wild Turkeys - Spring Season (17 IAC 710) proposed 8/15/14 (38 Ill Reg 17261)

White-Tailed Deer Hunting by Use of Firearms (17 IAC 650) proposed 8/15/14 (38 Ill Reg 17223)

White-Tailed Deer Hunting by Use of Bow and Arrow (17 IAC 670) proposed 8/15/14 (38 Ill Reg 17233)

White-Tailed Deer Hunting by Use of Muzzleloading Rifles (17 IAC 660) proposed 8/15/14 (38 Ill Reg 17229)

Procedure for Conducting Examinations for Persons Seeking Certificates of Competency (62 IAC 230) proposed 7/18/14 (38 Ill Reg 14804)

General Hunting and Trapping on Department-Owned or Managed Sites (17 IAC 510) proposed 8/15/14 (38 Ill Reg 17195)

Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Rabbit Hunting (17 IAC 530) proposed 8/15/14 (38 Ill Reg 17203)

Duck, Goose, and Coot Hunting (17 IAC 590) proposed 8/15/14 (38 Ill Reg 17216)

DEPT OF HEALTHCARE AND FAMILY SERVICES

Medical Assistance Programs (89 IAC 120) proposed 7/18/14 (38 Ill Reg 14654)

Covering All Kids Health Insurance Program (89 IAC 123) proposed 7/1/14 (38 Ill Reg 14656)

Medical Payment (89 IAC 140) proposed 7/18/14 (38 Ill Reg 14658)

Medical Payment (89 IAC 140) proposed 8/1/14 (38 Ill Reg 16096)

Medical Payment (89 IAC 140) proposed 8/29/14 (38 Ill Reg 18022)

Hospital Services (89 IAC 148) proposed 8/29/14 (38 Ill Reg 18052)

DEPT OF REVENUE

Income Tax (86 IAC 100) proposed 8/29/14 (38 Ill Reg 18131)

DEPT OF HUMAN SERVICES

Office of Inspector General Investigations of Alleged Abuse or Neglect in State-Operated Facilities and Community Agencies (89 IAC 50) proposed 8/29/14 (38 Ill Reg 18065)